

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

CHICAGO INSURANCE COMPANY, an
Illinois Corporation,

Plaintiff,

v.

THE CITY OF COUNCIL BLUFFS, IOWA,
DANIEL C. LARSEN, in his individual and
official capacities, and LYLE W. BROWN, in
his individual and official capacities,

Defendants.

COLUMBIA CASUALTY COMPANY,

Plaintiff,

v.

CITY OF COUNCIL BLUFFS, IOWA,
DANIEL C. LARSEN, LYLE W. BROWN,
DAVID DAWSON, TERRY HARRINGTON,
and CURTIS W. MCGHEE,

Defendants.

Case No. 1:07-cv-00021
LEAD CASE

**DEFENDANTS' MOTION FOR ORDER
PERMITTING FILING UNDER SEAL**

Case No. 1:07-cv-00024

COME NOW the Defendants, City of Council Bluffs, Daniel Larsen and Lyle Brown (City Defendants) and, having filed a Resistance to the Motion for Summary Judgment filed by Chicago Insurance Company, now request authorization to file relevant exhibits and pages of documents contained in the supporting documentation under seal. In support thereof, Defendants state as follows:

1. On July 19, 2011, the Court entered an Agreed Protective Order pursuant to which parties could designate documents produced or other discovery as Confidential and/or Privileged. (Clerk Docket 41).

2. Exhibit No. 14 and Exhibit No. 15 of the Appendix in Support of Defendants' Resistance to Chicago Insurance Company's Motion for Summary Judgment have been designated as "Confidential" pursuant to the Agreed Protective Order by Chicago Insurance Company.
3. Page 16 of the Un-redacted Memorandum of Law in Support of Defendants' Resistance to Chicago Insurance Company's Motion for Summary Judgment contains language from claim notes that have been designated as "Confidential" pursuant to the Agreed Protective Order by Chicago Insurance Company.
4. Pursuant to the Agreed Order (Clerk Docket No. 41), before filing with the Clerk of Court any paper containing confidential Material or Privileged Material, a party required to file the material must seek leave of this court to file the portions of the paper containing Confidential Material or Privileged Material under seal.
5. As it is necessary for the Court to review the documents and language that are the subject of the Resistance to Motion for Summary Judgment, it is necessary to obtain an Order permitting City Defendants to file the documents under seal.

WHEREFORE City of Council Bluffs, Daniel Larsen and Lyle Brown respectfully move the Court for an Order permitting them to file Exhibits 14 and 15 of their Appendix and page 16 of their Memorandum of Law submitted in resistance to the Motion for Summary Judgment of Chicago Insurance Company with the Clerk of Court under seal for review by the Court and respectfully request direction from the Court on any preferred procedure or method of submission.

HOPKINS & HUEBNER, P.C.

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CASUALTY COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon each of the attorneys of record of all parties to the above-entitled cause herein at their respective addresses disclosed on the pleadings of record on the 27th day of October, 2011.

By U.S. Mail Fax
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Signature /s/ Elizabeth A. Koons

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